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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/837,431	04/19/2001	Yoshimasa Yamamoto	ASA-997	8913

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EXAMINER

YOUNG, JOHN L

ART UNIT PAPER NUMBER

3622

DATE MAILED: 08/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/837,431

Applicant(s)

YAMAMOTO, YOSHIMASA

Examiner

John L Young

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 8/23/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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NON-FINAL OFFICE ACTION REJECTION

DRAWINGS

1. This application has been filed with drawings that are considered informal; said drawings are acceptable for examination purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

CLAIM REJECTIONS — 35 U.S.C. §103(a)

The following is a quotation of 35 U.S.C. §103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter

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pertains. Patentability shall not be negated by the manner
in which the invention was made.

2. Claims 1-28 are rejected under 35 U.S.C. §103(a) as being obvious over Ikeda 5,937,391 (08/10/1999) (herein referred to as "Ikeda").

As per independent claim 1, Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) shows "a point service system for providing the points corresponding to a service to be supplied to a customer who purchases said service in a virtual shop joined on a network . . .

Ikeda (FIG. 4; and FIG. 2) shows "information storing means for storing at least a number of accumulated points of each customer. . . ."

Ikeda (FIG. 9; and FIG. 10) shows "shop support means for . . . reports. . . ."

Ikeda (FIG. 14) shows "vendor support means for . . . subtracting . . . number of consumed points reported. . . ."

Ikeda lacks an explicit recitation of some of the elements and limitations of claim 1, even though the disclosure of Ikeda cited above implicitly shows all of the elements and limitations of claim 1, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67;

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col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows all of the elements and limitations of claim 1, and it would have been obvious to modify and interpret the disclosure of Ikeda cited above as showing all of the elements and limitations of claim 1, because modification and interpretation of the cited disclosure of Ikeda would have provided means of “activating sales in the online shopping mall. . . .” (see Ikeda (col. 2, ll. 10-25)) based on the motivation to modify Ikeda so as to “[eliminate] the necessity for a customer to carry his or her own magnetic card. . . .” (See Ikeda (col. 2, ll. 10-20)).

As per dependent claims 2-5 & 10-12, Ikeda shows the system of claim 1.

Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows each elements of claims 2-5 & 10-12.

Ikeda lacks explicit recitation of some of the elements of claims 2-5 & 10-12.

“Official Notice” is taken that both the concepts and the advantages of the elements and limitations of claims 2-5 & 10-12 were well known and expected in the art by one of ordinary skill at the time of the invention because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1,

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ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows all of the elements and limitations of claims 2-5 & 10-12, and it would have been obvious to modify and interpret the disclosure of Ikeda cited above as showing all of the elements and limitations of claims 2-5 & 10-12, because modification and interpretation of the cited disclosure of Ikeda would have provided means of *“activating sales in the online shopping mall. . . .”* (see Ikeda (col. 2, ll. 10-25)) based on the motivation to modify Ikeda so as to *“[eliminate] the necessity for a customer to carry his or her own magnetic card. . . .”* (See Ikeda (col. 2, ll. 10-20)).

Independent claim 6 is rejected for substantially the same reasons as independent claim 1.

As per dependent claims 7-9, Ikeda shows the system of claim 7.

Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows each elements of claims 7-9.

Ikeda lacks explicit recitation of some of the elements of claims 7-9.

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"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 7-9 were well known and expected in the art by one of ordinary skill at the time of the invention because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows all of the elements and limitations of claims 7-9, and it would have been obvious to modify and interpret the disclosure of Ikeda cited above as showing all of the elements and limitations of claims 7-9, because modification and interpretation of the cited disclosure of Ikeda would have provided means of "*activating sales in the online shopping mall. . . .*" (see Ikeda (col. 2, ll. 10-25)) based on the motivation to modify Ikeda so as to "*[eliminate] the necessity for a customer to carry his or her own magnetic card. . . .*" (See Ikeda (col. 2, ll. 10-20)).

Independent claim 13 is rejected for substantially the same reasons as independent claim 1.

Independent claim 14 is rejected for substantially the same reasons as independent claim 1.

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As per dependent claims 15-21, Ikeda shows the system of claim 14 and subsequent base claims depending from claims 14.

Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows each elements of claims 15-21.

Ikeda lacks explicit recitation of some of the elements of claims 15-21.

"Official Notice" is taken that both the concepts and the advantages of the elements and limitations of claims 15-21 were well known and expected in the art by one of ordinary skill at the time of the invention because it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows all of the elements and limitations of claims 15-21, and it would have been obvious to modify and interpret the disclosure of Ikeda cited above as showing all of the elements and limitations of claims 15-21, because modification and interpretation of the cited disclosure of Ikeda would have provided means of "*activating sales in the online shopping mall. . . .*" (see Ikeda (col. 2, ll. 10-25)) based on the motivation to modify Ikeda so as to "[*eliminate*] the necessity

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for a customer to carry his or her own magnetic card. . . .” (See Ikeda (col. 2, ll. 10-20)).

As per independent claims 22 & 23, Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows the registering elements and limitations of claims 22 & 23.

Ikeda lacks an explicit recitation of some of the elements and limitations of claims 22 & 23, even though the disclosure of Ikeda cited above implicitly shows all of the elements and limitations of claims 22 & 23, it would have been obvious at the time the invention was made to a person having ordinary skill in the art that the disclosure of Ikeda (the ABSTRACT; FIG. 1; through FIG. 19; col. 1, ll. 35-60; col. 1, ll. 63-67; col. 2, ll. 1-10; col. 2, l. 10-67; col. 4, ll. 25-67; col. 5, ll. 55-67; col. 7, ll. 15-67; col. 9, ll. 1-67; col. 12, ll. 60-67; and col. 13, ll. 1-55) implicitly shows all of the elements and limitations of claims 22 & 23, and it would have been obvious to modify and interpret the disclosure of Ikeda cited above as showing all of the elements and limitations of claims 22 & 23, because modification and interpretation of the cited disclosure of Ikeda would have provided means of “*activating sales in the online shopping mall. . . .*” (see Ikeda (col. 2, ll. 10-25)) based on the motivation to modify Ikeda so as to “[*eliminate*] the necessity

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for a customer to carry his or her own magnetic card. . . ." (See Ikeda (col. 2, ll. 10-20)).

Independent claims 24-28 are rejected for substantially the same reasons as independent claim 1.

CONCLUSION

3. Any response to this action should be mailed to:

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Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist
Crystal Park V
2451 Crystal Drive
Arlington, Virginia.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.


John L. Young

Primary Patent Examiner

JOHN LEONARD YOUNG, ESQ.
PRIMARY EXAMINER

August 23, 2004